

Application No.09/833,139
Amendment Dated: April 9, 2004
Reply to Office Action of January 9, 2004

Claims 1-21 remain pending.

Claims 1 through 21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. A number of bases were set out for this rejection. They are addressed below.

First, claims were rejected because they do not have any "means or structure [sic] limitations to conform the optical resonator."

Applicant requests clarification. The phrase "conform the optical resonator" is not understood. How can a structure "conform a resonator".

Second, the claims were rejected because it was alleged that they do not have any clear measurement unit to define the value 3.5. This is not a valid basis for rejecting the claims. That is, there appears to be no legal support for the proposition that dimensionless values can not be used in claims.

Further, 35 USC 112, second paragraph, is cited in connection with means plus function language. Means plus function language is typically attributed to the sixth paragraph, however. Further, the entire issue seems irrelevant since there is no means language in the claim. Clarification is requested.

Finally, this 112, second paragraph, rejection cites 35 USC 101. It is not clear if this is a separate rejection. Clarification is requested.

Claims 1 through 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,418,641 to Hendrow, *et al.* Claims 1 through 21 were also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,178,035 to Eda, *et al.*

Applicants believe that the present claims are not anticipated by these references. Specifically, the Hendrow, *et al.* Patent, while being directed to an optical resonator, does not teach the construction of an optical resonator as described by the present claims. Similarly, the Eda patent does not teach the claimed device.

Application No.09/833,139
Amendment Dated: April 9, 2004
Reply to Office Action of January 9, 2004

Specifically, in each of the independent claims, the width of at least one of the mirror structures is specified in terms of the wavelength of operation and length of the optical cavity, in the case of claim 1 and claim 21, or the optical mode size, as required by claims 7 or 12.

In contradistinction, neither the Eda nor Hendrow Patents provides any specifications concerning the diameter of the mirrors as claimed. In short, the patents do not appreciate that by controlling the size of the mirrors, the transverse modes can be controlled.

Thus, for the foregoing reasons, Applicant believes that the present claims are not anticipated by the applied reference.

Applicant believes that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

AXSUN TECHNOLOGIES, INC.

By 

J. Grant Houston, Esq.

Registration No.: 35,900

Tel.: (978) 439-3479

Fax: (978) 262-0035

Billerica, Massachusetts 01821

Date: 9 April 2004